



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: September 9, 2008

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department

SUBJECT: Purchase Of Easements At 208, 210, And 212 West Haley Street For The Haley/De La Vina Street Bridge Replacement Project

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Easements at 208, 210, and 212 West Haley Street, Accepting a Quitclaim Interest in an Adjacent Portion of Mission Creek, and Authorizing the Public Works Director, Subject to Review and Approval by the City Attorney, to Approve an Easement Purchase Agreement and Related Documents.

DISCUSSION:

Various properties and easements are required for the proposed Haley/De La Vina Bridge Replacement Project (Project) and must be purchased by the City. This includes both permanent and temporary easements at the property known as 208, 210, and 212 West Haley Street (Attachment).

The City has provided a written offer to Maria E. Solis, the owner of the affected property, to purchase these easements based on an appraisal approved by the State of California Department of Transportation (Caltrans). Oversight by Caltrans is required because the City's eligible project and right of way costs will be reimbursed by the Federal Highway Administration (FHWA).

The City's acquisitions are on the critical path for the project schedule and must be obtained without delay. To date, the City has successfully purchased the properties at 136 West Haley Street and at 434-436 De La Vina Street, and temporary construction easements at 132 West Haley Street, 119 West Haley Street, and 507 Brinkerhoff Avenue. In order to prevent the delay of the acquisition of the remaining easements and land within Mission Creek, Council adopted Resolutions of Necessity Nos. 08-069 through 08-072 on July 1, 2008, which authorize the City Attorney to initiate steps to acquire all interests by the use of eminent domain in the event further negotiations with the respective property owners are unsuccessful.

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This action by Council included its adoption of Resolution of Necessity No. 08-072 to authorize eminent domain to acquire the required permanent easement and temporary easement on the property known as 208, 210, and 212 West Haley Street if ongoing discussions with the property owner were unsuccessful. The Easement Purchase Agreement required for the City's purchase of the easements at this property has been executed and delivered to City staff by the owner, Maria E. Solis, avoiding the need for further eminent domain action. The agreement provides for the City's purchase of the easements at this property for consideration in the amount of \$36,000, plus applicable closing costs.

The proposed Resolution will allow the Public Works Director to execute the Easement Purchase Agreement with Ms. Solis and, subject to approval by the City Attorney, authorize the Public Works Director to execute any documents required to accomplish the City's acquisition of the easements. This Resolution demonstrates Council's acceptance of both the easement described in the Mission Creek Exclusive Easement Deed and the quitclaim of land described in the Mission Creek Quitclaim Deed, signed by Ms. Solis, which relinquishes any claim of ownership in the floodway area of Mission Creek adjacent to the subject property described in Resolution of Necessity No. 08-069. Efforts by City staff to locate the last known owners of the land underlying the adjacent Mission Creek floodway area have been unsuccessful.

The residential units located on the property at 208, 210, and 212 are occupied by the owner and certain family member tenants. The occupants will not be displaced by the Project.

Efforts are still ongoing to obtain signed agreements by respective owners of the properties where remaining easements are still needed for the Project. When such agreements have been obtained, they will be scheduled for review and approval by Council.

BUDGET/FINANCIAL INFORMATION:

The steps by the City to purchase all properties and easements required for the Project are being overseen by Caltrans because 88.53% of the City's eligible Project and right of way costs will be reimbursed by the FHWA through Caltrans. The City will be responsible for 11.47% of the eligible costs.

The shared acquisition costs relating to the property at 208, 210 and 212 West Haley Street are outlined as follows:

FHWA @ 88.53%	=	\$31,871
City @ 11.47%	=	\$4,129

There are sufficient City funds in the Streets Fund to cover the City's costs.

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ATTACHMENT: Vicinity Photo - Easements at 208, 210, and 212 W. Haley Street

PREPARED BY: John Ewasiuk, Principal Civil Engineer/DI/kts

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office



Vicinity Photo – 208, 210, & 212 W. Haley St.